

Appl. No. 10/719,747
Atty. Docket No. 9439Q
Amdt. dated 9/8/05
Reply to Office Action of 7/5/05
Customer No. 27752

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Figure 1, previously omitted elements 80 and 82 have been added.

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REMARKS

Objections to the Drawings

The drawings are objected to because reference character 32 was used to designate both a wall dimension and a withdrawal member. Applicant has amended the specification to denote "withdrawal member" as 82. Applicant has amended Fig. 1 to illustrate "withdrawal member" and denote 82 as "withdrawal member."

The drawings are objected to because reference characters 30 and 38 were not shown in Figs. 1 and 2. Applicant has amended the specification and deleted reference characters 30 and 38.

The drawings are objected to because the drawings do not show every feature of the invention specified in the claims. Applicant has amended Fig. 1 to illustrate "withdrawal member" and amended the specification to denote 82 as "withdrawal member." Applicant has further amended Fig. 1 to illustrate "finger indent" and denoted 80 as "finger indent."

Claim Status

Claims 1-9 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 is amended by inserting "wherein said first side wall dimension differs from said second side wall dimension." Support for the amendment is found on page 7, lines 4-12 and FIGS. 1 and 2.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Response to Double Patenting Rejection

A Terminal Disclaimer to obviate a provisional double patenting rejection over Application 10/719,799 was filed concurrently with this Amendment.

The provisional double patenting rejection over Application 10/719,793 is traversed. Claim 1 of Application 10/719,793 is for a tampon comprising a plurality of

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raised portions. The present invention is for a tampon comprising a plurality of recessed portions. Therefore, the subject matter claimed in the instant application would not be covered by any patent granted on Application 10/719,793. The Applicant respectfully requests that the Examiner withdraw the provisional double patenting rejection with respect to Application 10/719,793.

Rejection Under 35 USC § 102 Over Schoelling (US 2002/0151859)

Claims 1-9 were rejected under 35 USC § 102(b) as being anticipated by Schoelling (US 2002/0151859). In particular, the Examiner stated that Schoelling discloses a tampon wherein the outer surface of the tampon comprises a plurality of recessed portions, each of the recessed portions comprising a length dimension, a first side wall, and a second side wall, said first side wall having a proximal end, an opposed distal end, and a wall dimension extending between the proximal end and the distal end, said second side wall having a proximal end, an opposed distal end, said proximal ends of the first and second side walls intersecting one another to form a vertex, said recessed portion having a depth dimension as measured parallel to said radial axis from an imaginary line connected by the distal end of the first side wall and the distal end of the second side wall to the vertex, said depth dimension varies as measured along at least a portion of the length dimension. Claim 1 is amended by inserting the words "wherein said first side wall dimension differs from said second side wall dimension." Support for the amendment is found on page 7, lines 4-12 and FIGS. 1 and 2. Schoelling does not disclose a tampon wherein the first side wall dimension of a recessed portion differs from the second side wall dimension of the recessed portion. Rather, the first and second side wall dimensions in Schoelling are the same which results in recessed portions that are symmetric. Because Schoelling does not disclose a tampon wherein the first side wall dimension of a recessed portion differs from the second side wall dimension of the recessed portion, the Applicant submits that Claim 1, as amended, is allowable over Schoelling. The Applicant respectfully requests that the rejection of Claim 1 under 35 USC § 102(b) be withdrawn.

Because Claims 2-9 depend upon Claim 1, Claims 2-9 are also allowable over Schoelling.

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Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the double patenting rejection and rejections under 35 USC § 102(b). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-9 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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